

# Wetlands Bureau Decision Report

Decisions Taken  
01/31/2005 to 02/06/2005

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2004-00036                      HIR REALTY, LLC, DBA WAYFARER INN**  
**BEDFORD   Bowman Brook**

### Requested Action:

Maintenance Dredge approximately 42,790 square feet of Bowman Brook between impoundment structures and stabilize approximately 400 linear feet of bank with rip rap.

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### Conservation Commission/Staff Comments:

In a report received by the DES Wetlands Bureau on January 6, 2004, the Bedford Conservation Commission indicated that it had no objection to issuance of a permit for the project

Inspection Date: 08/16/2004 by Eben M Lewis

### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Maintenance Dredge approximately 42,790 square feet of Bowman Brook between impoundment structures and stabilize approximately 400 linear feet of bank with rip rap.

### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of 200 linear feet of a perennial stream (Bowman Brook).
2. A request for additional information dated 2/10/2004, addressed to the applicant or agent of record, reclassified the project from minimum expedited to major, included a request for outstanding fee of \$4,279.00, and clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
3. On 3/8/04 DES received a letter from the applicant's agent TF Moran, in response to the request for more information, stating that they wished to continue to pursue rip rap stabilization for Bowman Brook, and that the outstanding fee would be forwarded under separate cover.
4. DES conducted a field inspection of the proposal on 8/16/2004, which determined that the maintenance dredging above the dam was approvable, but found that the proposal to rip rap for bank stabilization was excessive, and that bioengineering would be a more appropriate means of treating erosion on the northeasterly bank of the brook, and that contrary to the applicant's statement that the opposite bank is stabile with rocks, DES found that this bank is eroding from the top from surface flow, and somewhat undercut as well.
5. On 9/1/2004 DES made a follow-up request for more information and project revisions via telephone conversation with the applicant's agent, TF Moran, suggesting reducing the current application to minimum impact maintenance dredge and reapplying for appropriate bank stabilization when the applicant was prepared to do so. This also would have reduced the outstanding fee.
6. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
7. DES did not receive the requested, or any, additional fee within the 120 days of 2/10/2004 request, nor any follow-up to the 9/1/2004 request, and therefore the application has been denied.

**2004-00214                      TILTON REVOC TRUST, SUMNER**  
**CONCORD   Unnamed Wetland**

### Requested Action:

Approve name change to: Berkshire - Concord, LLC, 41 Taylor St., Springfield, Ma 01103 per request received 1/31/2005.

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### Conservation Commission/Staff Comments:

The conservation commission does not object to the application.

APPROVE NAME CHANGE:

Dredge and fill 3820 square feet of man made intermittent stream/drainage ditch for the commercial development of 9.2 acres.

With Conditions:

1. All work shall be in accordance with plans by LC Engineering dated January 23, 2004 and revised through June 11, 2004, as received by the Department on July 6, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

14. This permit is contingent upon the enhancement of 1,500 square feet of wetlands in accordance with plans received June 2, 2004.
15. Wetland (creation/restoration) areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
16. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
17. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
18. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
19. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
20. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-01878                      ASSOCIATED GROCERS OF NEW ENGLAND**  
**PEMBROKE   Soucook River**

Requested Action:

Dredge and fill two isolated palustrine shrub/scrub wetlands totaling 9,718 sq. ft. for slope grading in association with stabilization of an active gravel pit being converted into a commercial development lot.

Approve as mitigation a conservation easement on 9 acres of potential eastern hognose snake habitat along the Soucook River, to be held by the town of Pembroke, with management authority by NH Fish and Game Department.

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Conservation Commission/Staff Comments:

Conservation Commission recommended approval.

APPROVE PERMIT:

Dredge and fill two isolated palustrine shrub/scrub wetlands totaling 9,718 sq. ft. for slope grading in association with stabilization of an active gravel pit being converted into a commercial development lot.

Approve as mitigation a conservation easement on 9 acres of potential eastern hognose snake habitat along the Soucook River, to be held by the town of Pembroke, with management authority by NH Fish and Game Department.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated 8/4/04, as received by the Department on 8/14/04; and in accordance with conservation easement language and conditions by NH Fish and Game Department in submission dated 12/30/04 as received by the Department on 1/3/05.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement, to be held by the Town of Pembroke and managed by NH Fish & Game, on 9.0 acres of potential eastern hognose snake habitat along the Soucook River as depicted on plans by CLD Consulting Engineers dated September 2004 as received by the Department on 9/28/2004, and in accordance with conservation easement language and conditions by NH Fish and Game Department in submission dated 12/30/04 as received by the Department on 1/3/05.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(k), projects in a wetland that have been identified as having a documented occurrence of state or federally listed Endangered or Threatened species, in this case the state-threatened eastern hognose snake. This project would otherwise qualify as a minor impact project under Wt 303.03(h), impacts of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, represented by necessary grading to stabilize the gravel pit slope, which is adjacent to the conservation easement area and the Soucook River.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant is proposing the steepest slope practicable to reduce impacts to two isolated, degraded wetlands only, and avoid encroachment into the 150 ft. Comprehensive Shoreland Act natural vegetated buffer.
4. The applicant has further minimized the impact of the project through mitigation by placing 9 acres of potential eastern hognose snake habitat along the Soucook River corridor into preservation via a conservation easement to be held by the town of Pembroke and managed by NH Fish and Game Department. The mitigation amount proposed exceeds that required by Part Wt 803, Compensatory Mitigation Requirements.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. NH Fish and Game Staff conducted a field inspection of the proposed project site on 9/9/04. Field inspection determined that the significant area of potential eastern hognose snake habitat along the Soucook River could be preserved by conservation easement.
7. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem, and that the habitat of the state-threatened eastern hognose snake will be preserved.

**2004-02771                      DUPEREY, RICHARD**  
**SUNAPEE   Lake Sunapee**

Requested Action:

Permanently remove an existing one slip boathouse with living space over public water, permanently remove an existing 328 sq ft concrete wharf and permanent dock over public water and restore the natural shoreline. Construct a two slip boathouse in the existing footprint, construct a 4 ft by 6 ft concrete pad with a 6 ft by 30 ft seasonal dock on Lake Sunapee, Sunapee.

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Conservation Commission/Staff Comments:

Con Com requests pre-construction meeting with Con Com, and on-site inspections during work. Con Com recommends approval.

Inspection Date: 01/31/2005 by Dale R Keirstead

APPROVE PERMIT:

Permanently remove an existing one slip boathouse with living space over public water, permanently remove an existing 328 sq ft

concrete wharf and permanent dock over public water and restore the natural shoreline. Construct a two slip boathouse in the existing footprint, construct a 4 ft by 6 ft concrete pad with a 6 ft by 30 ft seasonal dock on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans and plan set faxed by CLD Consulting Engineers as received by the Department on January 26 and 27, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. The applicant shall be responsible for scheduling a pre-construction meeting with the local Conservation Commission prior to the start of any work to review the approved plans with the contractor.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. The shoreline area shall be regraded to original contours following completion of work.
9. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The concrete pad shall be located entirely behind the natural undisturbed shoreline.
11. The seasonal pier shall be removed from the lake for the non-boating season.
12. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
13. These shall be the only structures on this water frontage and all portions of the seasonal dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
14. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
15. The boathouse shall be a single-story structure; ridgeline not to exceed 15 ft in height (Elev. 1109.15) above normal high water (Elev. 1094.15).
16. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
19. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 237 feet of frontage along Lake Sunapee.
3. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'. The site provides for 7 grandfathered slips.
4. The proposed docking facility will provide 7 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.14.
5. The proposed impacts provide for less fill in public waters than the previous grandfathered structures and therefore meets the requirements of Rule Wt 402.22, Modification of Existing Structures.
6. Public hearing is waived based on field inspection, by NH DES staff, on January 31, 2005, with the finding that the project impacts will not significantly impair the resources of Lake Sunapee.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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**2004-00328                      DANIEL PRATT FAMILY HOMES**  
**MONT VERNON    Unnamed Wetland**

### Requested Action:

Fill approximately 11,412 square feet of palustrine forested wetlands to provide access to a proposed 27-Lot residential subdivision know as Heritage Place. Preserve 12 acres in a conservation easement, consisting of approximately 6 acres of jurisdictional wetlands and 6 acres of contiguous upland buffer, as compensatory mitigation for project-related wetlands impacts.

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### Conservation Commission/Staff Comments:

No comments submitted from the conservation commission

Inspection Date: 05/21/2004 by Jeffrey D Blecharczyk

### APPROVE PERMIT:

Fill approximately 11,412 square feet of palustrine forested wetlands to provide access to a proposed 27-Lot residential subdivision know as Heritage Place. Preserve 12 acres in a conservation easement, consisting of approximately 6 acres of jurisdictional wetlands and 6 acres of contiguous upland buffer, as compensatory mitigation for project-related wetlands impacts.

### With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., sheets 1 -15, and 18 - 22, as received by the Department on December 13, 2004, and sheets 16-17, received by the Department on January 24, 2005; and the Preliminary Wetland Mitigation Area plan by Meridian Land Services, as received by the Department on December 13, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be conducted during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Proper headwalls shall be installed.
11. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. This permit is contingent upon the establishment of 12 acres of a conservation easement to serve as compensatory mitigation for project-related wetlands impacts.
18. Draft conservation easement language shall be submitted to the Wetlands Bureau for review prior to the start of construction.
19. The boundaries of the 12 acres of a conservation easement serving as compensatory mitigation for project-related wetlands impacts shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
20. Signs to indicate the location of and restrictions on the 12 acres of a conservation easement shall be posted every 150 feet along the boundary of the conservation area.
21. There shall be no removal of the existing vegetative undergrowth within the 12 acres of a conservation easement, and the placement of fill, construction of structures, and storage of vehicles or hazardous materials within said Common Land is prohibited.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 21, 2004. Field inspection determined plans accurately represent the site.
6. The applicant will preserve 12 acres in a conservation easement, consisting of approximately 6 acres of jurisdictional wetlands and 6 acres of contiguous upland buffer, as compensatory mitigation for project-related wetlands impacts.
7. The required mitigation for an upland buffer is 3.55 acres at a 10:1 ratio.
8. The applicant has provided 12 acres which is approximately 2.5 times greater than required by the DES Wetlands Bureau's Compensatory Mitigation Rules.
9. The application was received prior to the official approval of the compensatory mitigation rules Chapter Wt 800.
10. The Department has determined the proposed project has been designed to minimize impacts to the wetlands.
11. In a letter, dated October 26, 2004, the Town of Mont Vernon stated Meridian Land Services, Inc. shall act as their agent.

**2004-00989                      APPLE RIDGE ESTATES LLC**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Temporarily impact approximately 8,750 square feet of palustrine forested wetlands to install 875 linear feet of 8-inch diameter sewer line to service a 19-lot residential subdivision on approximately 24.75 acres.

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Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated May 22, 2004 the Rochester Conservation Commission (ConCom) recommended disapproval of the application. The ConCom stated that the route of the proposed sewer line crosses very high-value wetlands and noted that the application lacks a response from the NH Natural Heritage Bureau regarding rare or endangered species on the property. The ConCom also questioned whether excavation for the proposed sewer line may serve to drain the wetland and thus result in permanent wetlands impacts.

APPROVE PERMIT:

Temporarily impact approximately 8,750 square feet of palustrine forested wetlands to install 875 linear feet of 8-inch diameter



sewer line to service a 19-lot residential subdivision on approximately 24.75 acres.

With Conditions:

1. All work shall be in accordance with the following plans by CivilWorks, Inc., as received by the Department on August 10, 2004:
  - a) The Subdivision Plan of Land (Sheet 2 of 16), the X-C Sewer Line Profile (Sheet 10 of 16) and the Miscellaneous Details - 2 (Sheet 13 of 16) dated February 29, 2004;
  - b) The Grading, Drainage & Erosion Control Plan (Sheet 5 of 16), the X-C Sewer Line Plan (Sheet 9 of 16), and the Miscellaneous Notes (Sheet 11 of 16) dated February 29, 2004 and revised July 29, 2004; and
  - c) The Existing Conditions Plan (Sheet 1 of 1) dated July 29, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Work shall be conducted done during low flow conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
9. Dredged material not used to backfill the sewer line trench shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Temporary wetland impact areas shall be restored to original contours, seeded with a wetland seed mix and stabilized immediately following completion of work.
11. Restoration of temporary wetland impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands.
2. Proposed wetlands impacts will be temporary in nature.
3. In a letter to the DES Wetlands Bureau dated May 22, 2004 the Rochester Conservation Commission (ConCom) recommended disapproval of the application. The ConCom stated that the route of the proposed sewer line crosses very high-value wetlands and noted that the application lacks a response from the NH Natural Heritage Bureau regarding rare or endangered species on the property. The ConCom also questioned whether excavation for the proposed sewer line may serve to drain the entire wetland and thus result in permanent wetlands impacts.
4. In a letter dated May 20, 2004 the NH Natural Heritage Bureau indicated that it has no recorded occurrences for sensitive species near the project area.
5. In a letter dated May 28, 2004 the applicant's authorized agent, CivilWorks, Inc.,

sufficiently demonstrated that installation of the proposed sewer line will not drain the entire wetland complex and that wetland impacts will be temporary in nature.

6. The applicant has received written permission from New Hampshire Northcoast Corp. for proposed work in wetlands on its property.
7. The applicant has received written permission from Rochester Hill Trust, the owner of abutting lots 70-72 & 74-78 (Rochester Tax Map 239), for work within the Department's jurisdiction within 20 feet of the property line, in accordance with Rule Wt 304.04(a).
8. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
9. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
10. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2004-01521                      ROULEAU, ROBERT**  
**SOMERSWORTH   Unnamed Wetland**

Requested Action:

Fill approximately 7,282 square feet within palustrine forested wetlands to construct a roadway to provide access to a 3-lot commercial subdivision on approximately 40.1 acres.

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Conservation Commission/Staff Comments:

No comments received from the Somersworth Conservation Commission.

APPROVE PERMIT:

Fill approximately 7,282 square feet within palustrine forested wetlands to construct a roadway to provide access to a 3-lot commercial subdivision on approximately 40.1 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Trittech Engineering Corporation, as received by the Department on January 28, 2005:
  - a) The Topographic Plan (Sheet S-2) dated May 10, 2004 and revised January 26, 2005; and
  - b) The Construction Plan (Sheet DF-1) dated May 10, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. All work within the Department's jurisdiction shall occur at least 20 feet from abutting property lines.
6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as it involves less than 20,000 square feet of alteration in nontidal wetlands.
2. The DES Wetlands Bureau received no written comments from the Somersworth Conservation Commission.
3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2004-02133                      C & G PARTNERSHIP, CHARLIE GOODSTEIN**  
**LEE    Unnamed Wetland**

Requested Action:

Fill approximately 3,500 square feet of palustrine forested wetlands to install twin 15-inch diameter culverts and construct a second driveway on an existing 19.78-acre commercial lot, and fill approximately 1,100 square feet of palustrine forested and scrub-shrub wetlands to construct a deceleration lane on Route 125 to improve access to the lot.

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Conservation Commission/Staff Comments:

- No comments received from the Lee Conservation Commission.
- New authorized agent: Farwell Engineering Services, LLC.
- In a letter to the DES Wetlands Bureau dated December 1, 2004, the applicant's authorized agent, Altus Engineering, Inc., requested that the Bureau suspend its review of the application pending resolution of issues with the Town of Lee.

APPROVE PERMIT:

Fill approximately 3,500 square feet of palustrine forested wetlands to install twin 15-inch diameter culverts and construct a second driveway on an existing 19.78-acre commercial lot, and fill approximately 1,100 square feet of palustrine forested and scrub-shrub wetlands to construct a deceleration lane on Route 125 to improve access to the lot.

With Conditions:

1. All work shall be in accordance with the Wetlands Application/ZBA Apporval Plan (Sheets C-1 & C-2) by Farwell Engineering Services, LLC dated February 2, 2005, as received by the Department on February 3, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Work shall be conducted during low flow conditions.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as it involves less than 20,000 square feet of alteration in nontidal wetlands.
2. On December 1, 2004 the DES Wetlands Bureau received confirmation from the NH Department of Transportation that it is requiring construction of the proposed deceleration lane on Route 125.
3. The DES Wetlands Bureau received no comments from the Lee Conservation Commission.
4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02909                      LOVECCHIO, CHRISTENE**  
**NEWTON   Unnamed Wetland**

Requested Action:

Fill approximately 6,022 square feet within palustrine forested wetlands to install a 12-inch x 28-foot culvert and construct a driveway to provide access to a single-family building lot on 3.19 acres.

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Conservation Commission/Staff Comments:

During a telephone conversation with DES Wetlands Bureau staff on January 31, 2005, the chairperson of the Newton Conservation Commission (ConCom) stated that the ConCom has no objections to issuance of a permit for the project.

In a letter to the DES Wetlands Bureau dated January 4, 2005, as received by the Bureau on January 26, 2005, the Newton Conservation Commission indicated that Lot 4-1 was to have been accessed via the existing driveway on Lot 4, thereby avoiding wetlands impacts.

APPROVE PERMIT:

Fill approximately 6,022 square feet within palustrine forested wetlands to install a 12-inch x 28-foot culvert and construct a driveway to provide access to a single-family building lot on 3.19 acres.

With Conditions:

1. All work shall be in accordance with the Proposed Driveway Wetland Crossing plan by Civil Construction Management, Inc. dated November 2004, as received by the Department on January 25, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be conducted during low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as it involves less than 20,000 square feet of alteration in nontidal wetlands.

2. On December 6, 2004 the Department received a copy of a memo from the NH Natural Heritage Bureau indicating that a seasonally flooded Atlantic White Cedar Swamp is located in the vicinity of the proposed project.
3. Based on review of information provided by the NH Natural Heritage Bureau, the Department finds that the proposed project will not have a significant adverse impact on the above-referenced Atlantic White Cedar Swamp, as the project is located approximately 0.5 miles north-northeast from the northern-most boundary of the swamp. Furthermore, the project site and Atlantic White Cedar Swamp are separated by a public road (Highland Street).
4. During a telephone conversation with DES Wetlands Bureau staff on January 31, 2005, the chairperson of the Newton Conservation Commission (ConCom) stated that the ConCom had no objections to issuance of a permit for the project.
5. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
6. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**2005-00048                      KENNEDY, JOSEPH**  
**ENFIELD   Crystal Lake**

Requested Action:

Completely remove an unpermitted 6 ft 3 in x 12 ft deck and construct a 20 ft x 29.8 ft (596 sq ft) perched beach with 4 dug-in steps to access the water and replace a 6 ft x 30 ft seasonal dock.

\*\*\*\*\*

APPROVE PERMIT:

Completely remove an unpermitted 6 ft 3 in x 12 ft deck and construct a 20 ft x 29.8 ft (596 sq ft) perched beach with 4 dug-in steps to access the water and replace a 6 ft x 30 ft seasonal dock.

With Conditions:

1. All work shall be in accordance with plans and construction sequence by Watermark Marine Construction as received by the Department on January 6, 2005, January 26, 2005 and January 27, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. The 6 ft 3 in x 12 ft deck shall be completely removed from the frontage prior to construction of the perched beach and installation of the seasonal pier.
4. Geo-textile fabric shall be installed to line the entire beach, access steps and the retaining wall to prevent potential beach erosion.
5. Excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. All portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. No portion of the pier shall extend more than 30 ft at normal lake elevation.
8. Seasonal piers shall be removed for 5 months during the non-boating season.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 ft landward from the beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel,

sand, mud or other materials from public waters.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

## MINIMUM IMPACT PROJECT

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**2004-02525**

**NEW BOSTON SELF STORAGE LLC, JAMES DODGE**

**NEW BOSTON Unnamed Wetland**

### Requested Action:

Restore approximately 750 square feet of palustrine forested wetlands by removing fill placed without a permit. See Restoration Plan Approval Letter issued 2/4/05

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### Conservation Commission/Staff Comments:

No comments submitted from the Conservation Commission as of 11/22/04.

Restoration plan approved 02/04/05;

### APPROVE PERMIT:

Restore approximately 750 square feet of palustrine forested wetlands by removing fill placed without a permit. See Restoration Plan Approval Letter issued 2/4/05

### With Conditions:

1. Approximately 750 square feet of palustrine forested wetlands shall be restored, monitored and managed in accordance with the Restoration Plan and all project descriptive details submitted to DES on January 26, 2005 by Hillsborough County Land Surveyors.

2. The restoration shall be done according to the Restoration Plan and as conditioned by this Restoration Plan Approval. Any changes or alterations to the Restoration Plan must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.

3. All persons involved in restoration activities on the Property shall have read and become familiar with the provisions of the Restoration Plan and this Restoration Plan Approval prior to beginning restoration work on the Property. A copy of the Restoration Plan and this Restoration Plan Approval shall be kept posted at the Property during the time restoration work continues on the Property.

4. A qualified wetlands consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Restoration Plan Approval.

5. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (1) growing season, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.

6. No machinery shall be used within DES jurisdictional areas on the Property during the restoration.

7. All material removed during restoration activities shall be removed down to the level of the original hydric soils.

8. Wetland soils from areas vegetated with purple loosestrife or other invasive species shall not be used in the wetland restoration

site.

9. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.

10. All material removed during restoration activities shall be placed out of DES's jurisdiction.

11. Siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

12. All steps shall be taken during the restoration necessary to assure that no water quality violations occur on the Property.

13. This Restoration Plan Approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.

14. This Restoration Plan Approval does not relieve the owner from the obligation to obtain other local, state or federal permits that may be required.

15. Transfer of ownership of the Property shall require notification to DES and an agreement on transfer of the rights and obligations of this Restoration Plan Approval, if required, prior to such transfer of ownership.

16. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.

17. The qualified wetlands consultant shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 20 days of the projected restoration compliance date, but in no event shall the initial monitoring report be submitted later than September 31, 2005. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.

18. Subsequent monitoring report shall be submitted to DES following the first growing season to review the success of the restoration and schedule remedial actions if necessary. Such report shall be submitted to DES with photographs demonstrating the conditions on the restoration site, include any necessary remedial actions, and contain a schedule for completing the remedial actions by August 31, 2006.

19. Remedial measures may include, but are not limited to replanting, relocation of plantings, removal of invasive species, altering the soil composition or depths, deconsolidation of soils due to compaction, altering the elevation of the wetland surface, or changing the hydraulic regime.

With Findings:

1. This file will be referred to the Wetlands Bureau Enforcement Section for further monitoring of the approved restoration plan.

**2004-02835 JARVIS, MICHAEL & MARY**  
**TUFTONBORO Unnamed Wetland**

Requested Action:

Impact 12,500 square feet of forested wetland to construct a fire pond and dry hydrant for fire protection.

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Conservation Commission/Staff Comments:

The Tuftonboro Conservation Commission did not sign the Minimum Impact Expedited Application and submitted comment deferring the decision to the Bureau.

**APPROVE PERMIT:**

Impact 12,500 square feet of forested wetland to construct a fire pond and dry hydrant for fire protection.

**With Conditions:**

1. All work shall be in accordance with plans by Fernstone Associates dated October 11, 2004, as received by the Department on December 7, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be conducted during (seasonal) low flow conditions.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Machinery shall not be located within surface waters, where practicable.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Stockpiled dredged material shall be dewatered in upland areas to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation. Dewatering areas must be located at least 20 feet away from jurisdictional areas.
9. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
10. All construction-related debris and dredged material not used to backfill the dry hydrant pipe trench shall be placed outside of the DES Wetlands Bureau jurisdiction.
11. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Any portion of the bank disturbed as part of installation of the dry hydrant pipe shall be regraded to original contours, seeded and stabilized immediately following completion of work.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. A letter dated 1/8/05, was received from the Tuftonboro Fire Chief writing in support of the project.
3. The Department received a letter from the Tuftonboro Conservation Commission dated 11/17/04. The Commission voiced concerns with the follow: This project should be reclassified as Major due to the total amount of dredge (24,700sq.ft.) and being less then 200 ft from a stream channel; The application needs written approval from the local Fire Chief; The plan lacks a north-pointing arrow; a certified soil scientist should classify the soil types.
3. In regards to the aforementioned letter the Department finds the following : The project impacts 12,500 sq. ft. of jurisdictional wetland and the project is in the proximity to a seasonal stream, but the stream does not run through the proposed pond thereby qualifying as a minimum impact project per rule Wt 303.04(p); Per Wt 301.01, the applicant is not required to have a Certified Wetland Scientist perform a delineation.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

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**2005-00117                      MOORE, BRUCE & DIANE**  
**ALLENSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Allenstown Tax Map 402, Lot# 119

**2005-00183                      FOWLER, EDWIN**  
**SUTTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Suton Tax Map 4, Lot# 683,028

**2005-00184                      NADREAU, DONALD & BARBARA**  
**EXETER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Exeter Tax Map 17, Lot# 2

**2005-00185                      SANBORN, BRUCE**  
**EPSOM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Epsom Tax Map R8, Lot# 12

**2005-00186                      PHELPS, JAMES**  
**DANBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Danbury Tax Map 411, Lot# 83.1

**2005-00187                      RED DAM CONSERVATORY, JAMES WEMYSS**  
**LANCASTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lancaster Tax Map R21, Lot# 12

**2005-00188                      JACKSON, STANLEY**  
**WENTWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wentworth Tax Map 13-3, Lot# 2

**EXPEDITED MINIMUM**

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**2003-00804                      MILROY, VICTOR**  
**MEREDITH   Lake Winiipesaaukee**

Requested Action:

Approve name change to: Leonard D, & Linda B Zaichkowsky, PO Box 356, 5 Beach Club Lane, Meredith NH 03253 per request received 2/1/2005.

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Conservation Commission/Staff Comments:

No USGS map. Computer map is not at a useable scale. Digitized from tax map.

APPROVE NAME CHANGE:

Replace an existing 5 foot by 10 foot seasonal pier with a 6 foot by 40 foot seasonal pier on 100 feet of frontage on Lake Winnipesaaukee.

With Conditions:

1. All work shall be in accordance with plans by Jeffrey M. Milroy dated March 31, 2003, as received by the Department on May 5, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the seasonal pier shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-02850                      DARABANT JR, ROBERT & ELIZABETH**  
**LACONIA   Lake Winnipesaaukee**

Requested Action:

Repair an existing 6 ft 3 in by 36 ft dock supported by two 6 ft 3 in by 7 ft 8 in cribs connected to a 6 ft 2 in by 35 ft dock supported by a 6 ft 2 in by 7 ft 8 in crib and an 8 ft 5 in by 9 ft 10 in crib by a 12 ft 4 in by 6 ft walkway, accessed by a 5 ft 4 in by 59 ft 4 in walkway supported by a 5 ft 4 in by 8 ft 3 in crib, the southern dock has a 2 ft 3 in by 18 ft 8 in offset, with a 13 ft 5 in by 28 ft 1 in permanent open sided boathouse over the center slip.

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Conservation Commission/Staff Comments:

Con Com signed Expedited Application.

APPROVE PERMIT:

Repair an existing 6 ft 3 in by 36 ft dock supported by two 6 ft 3 in by 7 ft 8 in cribs connected to a 6 ft 2 in by 35 ft dock supported by a 6 ft 2 in by 7 ft 8 in crib and an 8 ft 5 in by 9 ft 10 in crib by a 12 ft 4 in by 6 ft walkway, accessed by a 5 ft 4 in by 59 ft 4 in walkway supported by a 5 ft 4 in by 8 ft 3 in crib, the southern dock has a 2 ft 3 in by 18 ft 8 in offset, with a 13 ft 5 in by 28 ft 1 in permanent open sided boathouse over the center slip.

With Conditions:

1. All work shall be in accordance with plans by DeGrace Design dated October 29, 2004, as received by the Department on November 29, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
7. Repair shall maintain existing size, location and configuration. No modifications from approved plan.
8. All construction-related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
10. Repair shall maintain existing size, location and configuration.
11. This permit does not allow for maintenance dredging.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The abutter requested an inspection by Bureau personnel. This is a repair of a grandfathered structure with no changes. Inspection is not required by Bureau staff.
3. The existing structures were constructed prior to the effective date of the current 20 ft setback to property lines. Retroactive application of the 20 ft setback to the structure to be repair would be inappropriate.
4. The proposed repairs will not result in any increased encroachment on the 20 ft setback to property lines.

**2005-00081                      VAN BERKUM, PETER**  
**DEERFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill 3695 square feet of poorly drained wet meadow for construction of an irrigation pond and spillway.

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Conservation Commission/Staff Comments:

The Deerfield Conservation Commission signed this minimum impact application.

APPROVE PERMIT:

Dredge and fill 3695 square feet of poorly drained wet meadow for construction of an irrigation pond and spillway.

With Conditions:

1. All work shall be in accordance with plans by NRCS, dated June 2003 and revised through February 2004, as received by the Department on January 12, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during low flow.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond with less than 20,000 square feet of wetlands impact, provided none of the wetlands have type A hydric soil as defined in Env-Ws 1014.02, and that there are no streams into or out of the proposed pond site, and the project is not located in prime wetlands and does not meet the requirements of Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**SHORELAND VARIANCE / WAIV**

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**2004-03038                      DEARDEN, BRUCE AND DOROTHY**  
**TILTON   Lake Winnisquam**

Requested Action:

Tie into the town sewer lines to improve wastewater treatment on the property prior to the construction of a second floor addition to a nonconforming structure 31 ft from the reference line on Lake Winnisquam with an upward increase to the ridgeline height by 12 ft, from 17 to 29 ft.

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APPROVE CSPA WAIVER:

Tie into the town sewer lines to improve wastewater treatment on the property prior to the construction of a second floor addition to a nonconforming structure 31 ft from the reference line on Lake Winnisquam with an upward increase to the ridgeline height by 12 ft, from 17 to 29 ft.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on December 20, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. Disturbed areas within 150 ft of the reference line shall be stabilized prior to removal of erosion, siltation, and turbidity controls.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnisquam and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to storm water management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has improved the wastewater treatment on the property by removing the septic system and tying the nonconforming structure into the town sewer lines for the upward expansion to the nonconforming structure, and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**PERMIT BY NOTIFICATION**

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**2004-01619                      JOHNSON, LANCE**  
**HUDSON   Merrimack River**

Requested Action:

Install a new 12'x4' ramp to a 16'x4' float in the configuration of an L-shaped dock on the Merrimack River with 170 feet of shoreline frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hudson Conservation Commission signed the PBN.

PBN IS COMPLETE:

Install a new 12'x4' ramp to a 16'x4' float in the configuration of an L-shaped dock on the Merrimack River with 170 feet of shoreline frontage.

**2005-00060                      HUTCHINS, ANN**  
**MEREDITH   Unnamed Wetland Lake Waukewan**

Requested Action:

DES cannot permit subdivisions with the PBN process.

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**2005-00098                      MARTIN, JUDD**  
**HILL   Unnamed Stream**

Requested Action:

Fill 470 square feet within the bed and banks of an intermittent stream to install a 15-inch culvert for access to a single family

residential lot on 8.1 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hill Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

Fill 470 square feet within the bed and banks of an intermittent stream to install a 15-inch culvert for access to a single family residential lot on 8.1 acres.

**2005-00150                      BRENTWOOD SCHOOL BOARD**  
**BRENTWOOD   Unnamed Stream**

Requested Action:

Fill 30 square feet with the bed and banks of an intermittent stream to remove a deteriorating pedestrian bridge and replace with a 18-inch by 20 foot culvert to access existing recreational walking trails.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Brentwood Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill 30 square feet with the bed and banks of an intermittent stream to remove a deteriorating pedestrian bridge and replace with a 18-inch by 20 foot culvert to access existing recreational walking trails.

**2005-00151                      BEGLEY & CO, WALTER**  
**CENTER HARBOR   Unnamed Wetland**

Requested Action:

Fill 415 square feet of forested wetland to install a 12-inch culvert for access to a single family residential lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Center Harbor Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill 415 square feet of forested wetland to install a 12-inch culvert for access to a single family residential lot.